

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

In re: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/FLN)

This Document Relates to:

Case Nos.:

17-cv-00998 (*Gruetzmacher v. 3M Company*)  
17-cv-01017 (*Garcia v. 3M Company*)  
17-cv-01139 (*Husman v. 3M Company*)  
17-cv-01215 (*Pickens v. 3M Company*)  
17-cv-01250 (*Sparks v. 3M Company*)  
17-cv-01323 (*Peters v. 3M Company*)  
17-cv-01407 (*Jadwin v. 3M Co., et al.*)  
17-cv-02099 (*Osborne v. 3M Co., et al.*)  
17-cv-02231 (*Nunn v. 3M Co., et al.*)  
17-cv-02319 (*Taylor v. 3M Co., et al.*)  
17-cv-02383 (*Blancett v. 3M Co., et al.*)  
17-cv-02415 (*Pickett v. 3M Co., et al.*)  
17-cv-02452 (*Suchan v. 3M Co., et al.*)  
17-cv-02589 (*Rashad v. 3M Co., et al.*)  
17-cv-02726 (*McCall v. 3M Co., et al.*)  
17-cv-03103 (*Ghidella v. 3M Co., et al.*)  
17-cv-03187 (*Gawthorp v. 3M Co., et al.*)  
17-cv-03233 (*McLaughlin v. 3M Co., et al.*)  
17-cv-03819 (*Mazer v. 3M Co., et al.*)  
17-cv-03823 (*Miller v. 3M Co., et al.*)  
17-cv-03895 (*Loving v. 3M Co., et al.*)  
17-cv-03948 (*Gilliam v. 3M Co., et al.*)  
17-cv-03954 (*Rietz v. 3M Co., et al.*)  
17-cv-03956 (*Reeves v. 3M Co., et al.*)  
17-cv-04094 (*O'Connell v. 3M Co., et al.*)  
17-cv-04177 (*Butler v. 3M Co., et al.*)

---

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO COMPLY  
WITH PRETRIAL ORDER NO. 14**

Pursuant to the Court's Pretrial Order No. 14 ("PTO 14"), entered September 27, 2016, Defendants 3M Company and Arizant Healthcare, Inc. (collectively, "Defendants")

respectfully move the Court to dismiss the following plaintiffs' cases for failure to comply with PTO 14:

| Case Number           | Plaintiff    | Firm Name   |
|-----------------------|--------------|---|
| 0:17-cv-00998-JNE-FLN | Gruetzmacher | Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A. |
| 0:17-cv-01017-JNE-FLN | Garcia       | Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A. |
| 0:17-cv-01139-JNE-FLN | Husman       | Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A. |
| 0:17-cv-01215-JNE-FLN | Pickens      | Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A. |
| 0:17-cv-01250-JNE-FLN | Sparks       | Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A. |
| 0:17-cv-01323-JNE-FLN | Peters       | Levin, Papantonio, Thomas, Mitchell, Rafferty, Proctor P.A. |
| 0:17-cv-01407-JNE-FLN | Jadwin       | Brown & Crouppen, P.C.                                      |
| 0:17-cv-02099-JNE-FLN | Osborne      | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-02231-JNE-FLN | Nunn         | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-02319-JNE-FLN | Taylor       | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-02383-JNE-FLN | Blancett     | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-02415-JNE-FLN | Pickett      | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-02452-JNE-FLN | Suchan       | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-02589-JNE-FLN | Rashad       | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-02726-JNE-FLN | McCall       | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-03103-JNE-FLN | Ghidella     | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-03187-JNE-FLN | Gawthorp     | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-03233-JNE-FLN | McLaughlin   | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-03819-JNE-FLN | Mazer        | Hollis Legal Solutions, PLLC                                |
| 0:17-cv-03823-JNE-FLN | Miller       | Bernstein Liebhard LLP                                      |
| 0:17-cv-03895-JNE-FLN | Loving       | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-03948-JNE-FLN | Gilliam      | Brent Coon & Associates                                     |
| 0:17-cv-03954-JNE-FLN | Rietz        | Brent Coon & Associates                                     |
| 0:17-cv-03956-JNE-FLN | Reeves       | Kennedy Hodges, L.L.P.                                      |
| 0:17-cv-04094-JNE-FLN | O'Connell    | Bachus & Schanker LLC                                       |
| 0:17-cv-04177-JNE-FLN | Butler       | Kennedy Hodges, L.L.P.                                      |

As set forth in Defendants' Memorandum of Law in Support of Motion to Dismiss for Failure to Comply with Pretrial Order No. 14, there are three (3) categories of cases where plaintiffs have failed to serve a Plaintiff Fact Sheet ("PFS") compliant with the requirements set forth by the Court in PTO 14: (a) cases where no PFS has been served by plaintiff; (b) cases where plaintiff served a PFS with core deficiencies, and failed to cure them or otherwise respond to Defendants' first and/or second deficiency letter; and (c) cases where plaintiff served a PFS with core deficiencies, and failed to cure them after Defendants' third deficiency letter. Defendants placed the above cases on the agenda for two sequential Court status conferences. Dismissal of these cases with prejudice is therefore appropriate under PTO 14, ¶ 8, and Defendants respectfully request the Court grant their motion regarding same.

Dated: February 1, 2018

Respectfully submitted,

s/ Benjamin W. Hulse

Jerry W. Blackwell (MN #186867)

Mary S. Young (MN #0392781)

Benjamin W. Hulse (MN #0390952)

BLACKWELL BURKE P.A.

431 South Seventh Street

Suite 2500

Minneapolis, MN 55415

Phone: (612) 343-3256

Fax: (612) 343-3205

Email: [blackwell@blackwellburke.com](mailto:blackwell@blackwellburke.com)

[myoung@blackwellburke.com](mailto:myoung@blackwellburke.com)

[bhulse@blackwellburke.com](mailto:bhulse@blackwellburke.com)

Bridget M. Ahmann (MN #016611x)  
FAEGRE BAKER DANIELS LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Phone: (612) 766-7000  
Email: [bridget.ahmann@faegrebd.com](mailto:bridget.ahmann@faegrebd.com)

***Counsel for Defendants 3M Company  
and Arizant Healthcare Inc.***